

Message Text

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----- 117489

P R 290042Z DEC 73

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS PRIORITY

CINCUSNAVEUR LONDON PRIORITY

INFO CNO

SECDEF

COMNAVAVIRLANT NORVA

COMSIXTHFLT

CHJUSMAAG ATHENS

NAVDET SOUDA BAY GREECE

USCINCEUR VAIHINGEN GERMANY

CINCLANTFLT NORFOLK VA

COMFAIRMED NAPLES ITALY

COMFAIRMED REP ATHENS

S E C R E T STATE 252138

JOINT STATE/DEFENSE MESSAGE

E.O. 11652: XGDS

TAGS: MARR, GR, US

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SUBJECT: AMENDMENT OF SOUDA BAY AGREEMENT

REF: (A) ATHENS 8935 NOTAL; (B) STAGE 221490; (C) ATHENS
7821; (D) COMFAIRMEDREP ATHENS 031200 NOV 73; (E)

R. L. PUGH LETTER OF 12 OCT 73 NOTAL

1. AS ADDRESSEES AWARE, USG UNABLE ACCEPT SEVERAL PROVISIONS OF GREEK DRAFT AMENDED SOUDA BAY AGREEMENT. SINCE COMFAIRMEDREP AND EMBASSY AGREE THAT SCENARIO SUGGESTED BY DEFENSE AND STATE IN REF B IS TOTAL NON-STARTER, DEPARTMENTS WILLING TO ACCEPT GREEK DRAFT AS BASIS FOR NEGOTIATION. ACCORDINGLY, SET OUT BELOW (PARA 4) IS STATE/DEFENSE POSITION FOR U.S. NEGOTIATORS' RESPONSE TO DECEMBER 13 HAFB MESSAGE TO CINCUSNAVEUR AND COMFAIRMED/KOTSOLAKIS DECEMBER 17 CONVERSATION (PARAS 3 AND 4 REF A).

2. DESPITE KOTSOLAKIS' STATEMENT THAT USG SHOULD PURSUE MATTER FURTHER WITH GREEK FOREIGN MINISTRY IF UNWILLING TO SIGN GREEK DRAFT AS IS, WE BELIEVE FOLLOWING U.S. POSITION SHOULD BE FIRST PRESENTED TO GREEK MILITARY NEGOTIATORS IN EFFORT TO KEEP NEGOTIATIONS AT SERVICE-TO-SERVICE LEVEL. GREEK MILITARY MAY, OF COURSE CHOOSE TO PASS U.S. POSITION ON TO FORMIN ITSELF, BUT WE WOULD PREFER GREEK RATHER THAN U.S. OFFICIALS TAKE THIS ACTION IF IT CANNOT BE AVOIDED ENTIRELY.

3. IF EITHER GREEK MILITARY NEGOTIATING TEAM OR GREEK FORMIN AGREE TO NEGOTIATE PER U.S. POSITION ON GREEK DRAFT, AGREED AD REFERENDUM TEXT SHOULD BE SUBMITTED FOR FINAL WASHINGTON APPROVAL PRIOR TO SIGNATURE. GREEK REFUSAL TO DEVIATE FROM ANY PORTION OF GREEK DRAFT THAT IS UNACCEPTABLE TO U.S. SHOULD BE REFERRED TO DEPARTMENTS FOR GUIDANCE.

4. GREEK TEXT SHOULD BE MODIFIED AS FOLLOWS:

A. PREAMBLE: CONCUR AGREED WORDING REF D.

B. ARTICLE 1.

(1) PARA 4. THIS PROVISION SHOULD BE DELETED, AS
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IT CONFLICTS WITH PARA 20B OF OCTOBER 4, 1954 GENERAL PRINCIPLES APPLYING TO THE IMPLEMENTATION OF ARTICLE XIII OF THE HELLENIC-AMERICAN AGREEMENT REGARDING MILITARY FACILITIES (HEREAFTER GENERAL PRINCIPLES). LATTER SHOULD CONTINUE TO GOVERN OUR PRACTICE. COMMENT: THIS PROVISION WOULD BE ACCEPTABLE IN HOMEPORING TECHNICAL AGREEMENT.

(2) PARA 5. CONCUR RATIONALE REF C SO LONG AS AGREEMENT OR SEPARATE ARRANGEMENT GUARANTEES NECESSARY OPERATING RIGHTS.

C. ARTICLE 2.

(1) PARA 2. MODIFY FIRST SENTENCE TO READ..."TO OPERATE ROTATIONAL DEPLOYED AIRCRAFT (NOT PERMANENTLY BASED) AS SHOWN IN ANNEX I IN A SIXTH FLEET/STRIKE FORCE SOUTH SUPPORT ROLE AND FOR TRAINING, FAMILIARIZATION AND LOGISTIC SUPPORT PURPOSES". REASON: PROPOSED LANGUAGE APPEARS TO EXCLUDE PEACETIME ASW OPERATIONS. PROPOSED CHANGE CONFORMS TO UNEXECUTED THIRD AMENDMENT WHICH WAS AGREED TO IN PRINCIPLE IN 1972.

(2) PARA 2. ASSUME MODIFICATION CITED PARA 4 C
(1) REF D REPLACES SECOND THROUGH FOURTH SENTENCES. REASON: THERE SHOULD BE NO RESTRICTIONS ON TOUCH AND GO LANDINGS. THIS PARAGRAPH ACCEPTABLE ONLY UPON UNDERSTANDING, TO BE EFFECTIVE CONCURRENTLY WITH SIGNATURE OF AMENDMENT, THAT HAF RECEPTIVE TO INCREASED NUMBER OF SORTIES TO ACCOMMODATE FCLP AND ADDITIONAL AIRCRAFT NUMBERS FOR CVW READINESS TRAINING DURING CV RAV AND CONTINGENCIES. AS PROVIDED REF D, AGREE THAT EXCEPTIONS WILL BE HANDLED AS THEY ARISE BY SEPARATE EXCHANGES OF LETTERS.

(3) PARA 2. IN SENTENCE BEGINNING "HOWEVER, THE GREEK BASE COMMANDER IS AUTHORIZED...", DELETE THE WORDS "REDUCE THE ABOVE NUMBERS OF SORTIES ACCORDINGLY..." AND REPLACE WITH "TO TEMPORARILY ADJUST THE ABOVE NUMBER OF SORTIES...". REASON: GREEK PROPOSAL NOT SUFFICIENTLY FLEXIBLE. PROPOSED CHANGE WOULD BE CONSISTENT WITH ASSURANCES PARA 4 (C) REF D THAT EXCEPTIONS CAN BE MADE
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TO SORTIE RATE.

(4) PARA 2. DELETE LAST SENTENCE AND REPLACE WITH "EN EMERGENCY AND IN EVENT OF WAR GREECE CONFIRMS THAT FACILITIES WILL BE MADE CONTINUOUSLY AVAILABLE FOR STATIONING TWO U.S. MARITIME SQUADRONS OR EQUIVALENT OF MARITIME PATROL AIRCRAFT ACTING WITHIN THE NATO FRAMEWORK". REASON: THIS IS PRESENT LANGUAGE OF AGREEMENT. PROPOSED GREEK TEXT SEEMS TO IMPLY POSSIBILITY OF NATO CRISIS OR WAR WITHOUT GREEK INVOLVEMENT. AS FALLBACK POSITION, WORDING CONFIRMING CONTINUOUS AVAILABILITY OF SOUDA FOR SUCH USN USE DURING NATO CRISIS OR NATO WAR IS ACCEPTABLE, BUT SHOULD NOT BE PROPOSED.

(5) PARA 3. MODIFY THIRD SENTENCE TO READ: "...WHICH REFLECTS THE PEAK LOADING BY USN PERSONNEL FROM ALL SOURCES AND WHICH CANNOT BE EXCEEDED WITHOUT PRIOR CONSENT OF APPROPRIATE HELLENIC AUTHORITIES". REASON: ABSOLUTE LIMITATION OF PRESENT LANGUAGE IS UNACCEPTABLE.

(6) PARA 4.B: DELETE . REASON: TOO RESTRICTIVE ON AIRWING TRAINING REQUIREMENT.

(7) PARA 4.: AGREE WITH MODIFICATION TO FIRST SENTENCE AND DELETION SECOND SENTENCE AS PROPOSED REF D.

(8) PARA 5. MODIFY FIRST SENTENCE TO READ "...PRACTICABLE, NORMALLY AT LEAST SEVEN DAYS IN ADVANCE".
DELETE SECOND AND THIRD SENTENCES. REASON: TOO RESTRICTIVE PROVISION AS FLIGHT SCHEDULE INFORMATION SUBJECT TO VARIATIONS DUE TO A/C AVAILABILITY, WEATHER CONSIDERATIONS, ETC. AS FALL BACK POSITION, REFER TO NORMAL PROVISION OF DAILY FLIGHT SCHEDULE INFORMATION PRIOR COMMENCEMENT OF FLIGHT OPERATIONS AND MODIFY SECOND SENTENCE AS FOLLOWS: "...AIRFIELD NORMALLY WILL BE SUBMITTED FOR COORDINATION AND APPROVAL TO THE BASE COMMANDER AT LEAST SIX HOURS...". IN THIS CASE, THIRD SENTENCE COULD BE RETAINED.

(9) PARA 7. PREFER DELETION. REASON: PRESENT LANGUAGE INDICATES UNNECESSARY DEGREE OF INFLEXIBILITY.
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(10) PARA 9. DELETE. REASON: SUPERFLUOUS. PROCEDURES ALREADY COVERED IN JANUARY 3, 1961 AGREEMENT FOR NATO INFRASTRUCTURE AMMUNITION DEPOTS, WHICH COULD BE REFERRED TO IN TEXT AS FALL BACK POSITION.

D. ARTICLE 3

(1) PARA 1. ASSUME "ENTIRETY" VICE "ENTITY" IS INTENDED.

(2) PARA 3. IN SECOND LINE ADD FOLLOWING SENTENCE TO END OF PARAGRAPH "THIS DOES NOT AUTHORIZE ACCESS TO SPECIFIC CLASSIFIED SPACES, DOCUMENTS OR EQUIPAGE ASSOCIATED WITH USN OPERATIONS". REASON: CONFORM WITH NATIONAL SECURITY REQUIREMENTS. IN ADDITION, PARA 20 (C) (4) OF GENERAL PRINCIPLES PROVIDES FOR OBSERVANCE OF RESTRICTED AREAS.

(3) PARA 7. DELETE. REASON: CONFLICTS WITH ARTICLE VIII OF NATO SOFA. SEE PARTICULARLY PARA 5 OF THAT ARTICLE.

(4) PARA 10. DELETE ALL AFTER "A/C". REASON: MEANING OF "OPERATIONS" UNCLEAR. IF NOT ACCEPTED, REQUEST HAF CLARIFY ITS INTERPRETATION OF "OPERATIONS".

E. ARTICLE 4

(1) PARA 1. PREFER DELETION. REASON: SUPERFLUOUS.

(2) PARA 2. FIRST SENTENCE, DELETE ALL AFTER "HERE-AFTER". REASON: THIS SUBJECT MATTER COVERED BY

ARTICLE VII-1 OF APPENDIX I TO MFA WHICH PROVIDES FOR
UNSPECIFIED "REA*ONABLE TIME".

F. ARTICLE 6

(1) PARA 2. REQUEST DETERMINE INTENDED DISTINCTION
BETWEEN "FACILITIES" AND "INSTALLATIONS.

(2) PARA 8. DELETE. REASON: THIS SUBJECT
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MATTER COVERED BY ARTICLE VII-2 OF APPENDIX I TO MFA:WHICH CONFLICTS WITH THESE PROVISIONS. LANGUAGE IS DRAWN
FROM HOMEPORTING ARRANGEMENT WHICH IS NOT PROPER PRECEDENT
AS NO BASE FACILITIES CONSTRUCTED FOR HOMEPORTING -
EVERYTHIHG WAS LEASE - CONSTRUCT.

G. ARTICLE 9

(1) PARA 6. ADD AT END OF SENTENCE "EXCEPT AS
OTHERWISE AGREED". REASON;; EXISTING LANGUAGE IS UN-
NECESSARILY INFLEXIBLE, I.E., HAF MAY ALSO DESIRE
EXPANDED AIRFIELD CAPABILITY TO SUPPORT FUTURE OPERATIONS.
N THI EVENTUALITY, COST SHARING WOULD BE APPROPRIATE.

H. ARTICLE 10

(1) PARA 4. DELETE. REASON: REDUNDANT. AS
PROCEDURES ESTABLISHED IN PARA (3) TO PROTECT HELLENCI
COMMUNICATIONS, THIS IS UNNECESSARY.

I. ARTICLES 11 AND 12

(1) DELETE IN ENTIRETY. REASON: CLAIMS MUST
BE PROCESSED IN ACCORDANCE WITH NATO SOFA, ARTICLE VIII.

J. ARTICLE 13

(1) PARA 2.A (8) DELETE. REASON: SAME AS FOR
ARTICLES 11 AND 12.

(2) PARA 2.B. MODIFY SIXTH AND SEVENTH LINES TO
READ "OTHER" VICE "HAF"M REASON: CONCUR WITH RATIONALE
CITED REF E.

K. ARTICLE 14

(1) DELETE PARAS 1, 2 AND 3. SUBSTITUTE "THIS
AMENDED AGREEMENT SHALL REMAIN IN EFFECT FOR THE DURATION
OF THE NORTH ATLANTIC TREATY". AS FALL BACK POSITION,
ADD FOLLOWING: "IN CASE OF EMERGENCY AFFECTING ONE OF THE
TWO COUNTRIES PARTY TO THIS AGREEMENT, THE PARTIES SHALL
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ENTER INTO URGENT CONSULTATIONS REGARDING THE NEED FOR TEMPORARY MODIFICATION OF PORTIONS OF THIS AGREEMENT". REASON: TERMINATIO PRIOR TO DURATION OF NATO TREATY MAY HAVE TO BE ACCEPTED BUT WE STRONGLY PREFER DURATION OF AGREEMENT TO REMAIN CO-EXTENSIVE WITH NATO TREATY. UNILATERAL SUMMARY GREEK SUSPENSION OR TERMINATION UN-ACCEPTABLE IN ANY CASE.

L. ANNEXES

(1) ANNEX I. DELETE "A. ROTATIONAL" AND B. "B. TRANSIENT OR CONTINGENCY". REASON: STRICT CATEGORIZATION OF AIRCRAFT WOULD RUN RISK OF REQUIRING INAPPROPRIATE CLEARANCE PROCEDURES PURSUANT TO ARTICLE 2.

(2) ANNEX III AND VI NOT RECEIVED WITH GOG DRAFT. REQUEST PROVIDE THESE ANNEXES OR RENUMBER REMAINING ANNEXES ACCORDINGLY.

(3) ANNEX V. CHANGE LOCATION OF ITEM D, E-28 ARRESTING GEAR, TO RUNWAY.

(4) REQUEST REVIEW ANNEX VIII OF GREEK DRAFT TO ENSURE ALL FUNCTIONS ARE COVERED.

5. MODIFICATIONS PROPOSED PARA 4 REF D, NOT SUPERSEDED BY ABOVE, ARE APPROVED FOR NEGOTIATIONS.

6. IF AMB TASCA OR CINCUSNAVEUR HAS OBJECTION TO APPROACH INDICATED IN PARAS 1-3 ABOVE, REQUEST YOU ADVISE DEPARTMENT ASAP. KISSINGER

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